

# An Act Relative to the Architectural Access Board

H.2029/S.1441

**Access is a civil right.** In 1990, the Americans with Disabilities Act enshrined the right to equal access in federal law. However, **a discrepancy between the ADA and Massachusetts building code creates barriers to access for people with disabilities in housing and employment.**

## Housing:

- Massachusetts code does not require any building originally constructed before 1991 to include units adaptable to a wheelchair user's needs.
- This includes former commercial buildings like mills that are refurbished into housing.
- People with disabilities are **more than twice as likely to be homeless** as non-disabled people.
- Adaptability allows people to age in place, increases the housing options for people with disabilities and elders, and decreases costly institutionalization in skilled nursing facilities. It costs very little if done up front.

## Employment:

- Massachusetts code does not require employee areas be accessible, even in new or extensively renovated buildings.
- Making and keeping employee areas inaccessible creates **structural barriers to employment**, and enables **discriminatory hiring practices**.
- **The unemployment rate for people with disabilities is twice that of non-disable people.**
- This contributes to **higher rates of poverty and homelessness**, segregates people with disabilities into certain sectors, and prevents people with disabilities from fully participating in our communities.

**Align Massachusetts code with the Federal ADA.**

**This will:**

- Create more job opportunities for people with disabilities.
- Create more housing for people with disabilities and more security for an aging population.
- Simplify the code-book, empowering architects and developers to create accessible designs, and reducing ADA lawsuits by guaranteeing all access issues are worked out in the blue-print stage.

**This will not:**

- Force all existing businesses or pre-1991 housing to become accessible immediately.
- Hurt small businesses or require unreasonable access modifications. The AAB has a very reasonable variance process that allows businesses and property owners to apply for an exemption to state access requirements that are physically impossible, cost-prohibitive, or otherwise unreasonable. In 2017, **93% of variance applications were granted**. Most of those denied were denied because the property owner did not complete the variance process.

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# Sponsoring Organizations

**Acton Commission on  
Disabilities**

**Ad Lib. Inc**

**Boston Center for  
Independent Living**

**Boston Disability  
Commission**

**Cambridge Commission for  
Persons with Disabilities**

**Cape Organization for the  
Rights of the Disabled**

**Center for Living and  
Working**

**City of Revere Commission  
on Disabilities**

**Disability Policy  
Consortium**

**Disability Resource Center**

**Easter Seals Massachusetts**

**Greater Boston Chapter,  
United Spinal Association**

**Independence Associates**

**Jewish Community  
Relations Council of  
Massachusetts**

**Massachusetts Coalition  
for the Homeless**

**MetroWest Center for  
Independent Living**

**National Multiple Sclerosis  
Society, Greater New  
England Chapter**

**Newton Commission on  
Disability**

**Northeast Independent  
Living Program**

**Southeast Center for  
Independent Living**

**Stavros**